

August 10, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Subscriber Notification and Acknowledgement Status and Compliance
Report of McLeodUSA Telecommunications Services, Inc.; WC Docket No.
05-196**

Dear Ms. Dortch:

McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"), through its undersigned counsel and in recognition of the Commission's *VoIP E911 Order* ("Order") and the Public Notice issued by the Enforcement Bureau on July 26, 2005 ("Public Notice"), submits this report to advise the Commission of the status of McLeodUSA's efforts to inform its customers of certain risks when subscribing to McLeodUSA's Dynamic Integrated Access ("DIA") services that uses Voice Over Internet Protocol ("VoIP").

Please be advised that it is the position of McLeodUSA that its DIA service is not subject to Commission Rule 9.5(e) since it does not meet the four-pronged test adopted by the FCC. The Integrated Access Device that is permanently installed at the customer's location to enable DIA service is owned and operated, and therefore, part of the McLeodUSA network. It is also important to note that McLeodUSA only assigns telephone numbers that are directly trunked to the applicable PSAP using all standard routing protocols so that a McLeodUSA customer subscribing to DIA does have E911 service today. Accordingly, McLeodUSA DIA service falls outside the scope of the FCC's rule.

However, because McLeodUSA agrees with the importance of adequately informing its business customers of the risks identified by the FCC with respect to E911 service availability, McLeodUSA is, in the interest of its customers, following the procedures required of VoIP providers that are subject to Commission Rule 9.5(e), including advising the FCC of its progress in contacting and receiving confirmation from its subscribers.

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McLeodUSA responds to the following questions set out in the Public Notice:

- 1) **A detailed description of all actions the provider has taken to specifically advise every subscriber, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers.**

(a) Existing Subscribers

On July 22, 2005, McLeodUSA mailed written notification, in plain language, via U.S. mail to each customer location serviced by DIA. Starting on August 10, 2005, Customer Care representatives began placing outbound calls to non-responding customers. Electronic mail reminders will also be sent to customers starting the week of August 15th.

(b) New Subscribers

New customers are required to sign the same acknowledgement form before installation of DIA service will be completed by the McLeodUSA Service Delivery organization.

- 2) **A quantification of how many of the provider's subscribers, on a percentage basis, have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.**

As of August 9, 2005, 2005, McLeodUSA has obtained affirmative acknowledgement from approximately 25% of its subscriber base. McLeodUSA has no context from which to know whether that response rate is a good or bad rate when requiring an affirmative response. Accordingly, McLeodUSA finds it difficult to estimate what the final response rate will be. However, given the level of effort McLeodUSA will be undertaking, we believe only a small percentage of our customers will not have provided affirmative acknowledgement by August 29, 2005.

- 3) **A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e. e-mail, U.S. mail).**

(a) Existing Subscribers

McLeodUSA has distributed warning labels to all of its existing subscribers. Those labels, along with appropriate instructions that advise the subscriber to place the labels on or near

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the customer premises equipment, were placed in the United States Postal Service as 1st Class mail on July 22, 2005, in the same envelop as the notification letter.

(b) New Subscribers

McLeodUSA is providing the same warning labels to new subscribers who signed up for service beginning on August 8, 2005, to ensure that those new subscribers would receive the required labels on a timely basis.

4) A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in [Question 1] and/or to whom the provider did not send warning stickers or other appropriate label as identified in [Question 3].

McLeodUSA has sent advisories and warning labels to 100% of its subscribers.

5) A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.

McLeodUSA is continuing its campaign to contact and obtain affirmative acknowledgment from all of its subscribers. McLeodUSA will place outbound calls to its current customer who have not yet submitted an affirmative acknowledgment and will do so until August 29, 2005. In addition, McLeodUSA will be sending reminder electronic mails, and, if necessary, visiting individual customer sites to obtain customer certifications.

As detailed in response to Question 2, McLeodUSA expects that despite its diligent efforts, the Company will not be able to obtain affirmative acknowledgement for up to 10% of its subscribers by August 29, 2005. For those customers that do not provide affirmative acknowledgement, on August 30, 2005, McLeodUSA will continue to place outgoing calls to these subscribers. However, since McLeodUSA DIA service is not subject to Commission Rule 9.5(e), McLeodUSA, in the best interest of the health and safety of our subscribers, does not plan to disconnect services on August 30th if an affirmative acknowledgement is not received from a particular customer location. McLeodUSA currently provides E911 services to each of these customer locations today and if disconnected, the customer locations would likely not have access to E911 services in the event of an emergency. McLeodUSA provides VoIP services to business locations as their primary local access method. McLeodUSA is expending its efforts on obtaining the required affirmative acknowledgement by using live persons to contact locations that have not yet responded. McLeodUSA believes this action is consistent with the FCC's rule to ensure that Customer's have E911 access when using McLeodUSA's DIA service and its intent not to disconnect access to E911 services, which could result in avoidable injury or death.

6) A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.

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Because McLeodUSA provides VoIP services to business locations, we have requested a signed and faxed acknowledgement from each *existing* business location. Customer locations have been instructed to fax the affirmative acknowledgement into a toll-free fax number. The Customer Care organization is maintaining a database of received acknowledgements, and a copy is also being kept in the Legal Department. New customer acknowledgement forms will be scanned and stored electronically with the customer's Master Service Agreement.

7) The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.

Doug Dalby
Product Manager
P.O. Box 3177
6400 C Street SW
Cedar Rapids, Iowa 52406-3177
(319) 790-2610
douglas.dalby@mcleodusa.com

James Thompson
General Counsel
P.O. Box 3177
6400 C Street SW
Cedar Rapids, Iowa 52406-3177
(319) 790-7775
james.thompson@mcleodusa.com

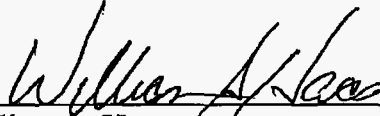
Respectfully submitted,

A handwritten signature in dark ink, appearing to be "JL Kiddoo", written over a horizontal line.

Jean L. Kiddoo
Russell M. Blau
Wendy M. Creeden
Jeffrey R. Strenkowski

Counsel for McLeodUSA

I, William A. Haas, state that I am Associate General Counsel, of McLeodUSA; that I am authorized to submit the forgoing *Subscriber Notification and Acknowledgement Status and Compliance Report* ("Report") on behalf of McLeodUSA; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.



Name: William A. Haas

Title: Associate General Counsel

McLeodUSA Telecommunications Services, Inc.